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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 TOMMY ROY KEETON,

11 Plaintiff,

2:04-cv-0758-GEB-EFB-P

12 vs.

13 DEMARS FORSYTHE,

14 Defendant.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On February 14, 2008, the magistrate judge filed findings and recommendations
20 herein which were served on all parties and which contained notice to all parties that any
21 objections to the findings and recommendations were to be filed within fourteen days. Neither
22 party has filed objections to the findings and recommendations.

23 The court has reviewed the file and finds the findings and recommendations to be
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
25 ORDERED that:

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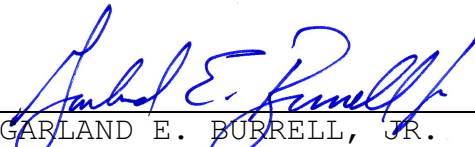
1 1. The findings and recommendations filed February 14, 2008, are adopted in
2 full;

3 2. Defendants' April 17, 2007, motion to dismiss, construed as a motion for
4 summary judgment, is granted;

5 3. Judgment is entered in favor of defendants; and

6 4. The Clerk is directed to close the case.

7 Dated: March 19, 2008

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10 GARLAND E. BURRELL, JR.
11 United States District Judge
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